

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36841 of 2007(J)

PETITIONER:

P.MOHAMMED,
PALATTUPARAMBIL HOUSE, KUTTIKKODE,
OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
PALAKKAD.
2. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM, PALAKKAD.
3. THE TAHSILDAR,
OTTAPPALAM TALUK OFFICE.
4. THE VILLAGE OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT.
5. THE REGIONAL TRANSPORT OFFICER,
OTTAPPALAM.
6. JOHNY MATHEW,
KOORUVELIL HOUSE, SANTHI NAGAR, VADAKKANCHERRY,
PALAKKAD.
7. MAXIM MOTORS,
EDAPPALLY NATIONAL HIGHWAY BYE PASS,
COCHIN.

BY GOVT. PLEADER SRI C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 36841 of 2007

Dated: December 13, 2007

JUDGMENT

Petitioner contends that he is still the registered owner of lorry bearing No.KL-9/7164, despite a transfer which is alleged to have been made in favour of the 6th respondent. Exts.P2 and P4 are the notices that were issued to the petitioner to pay the motor vehicle's tax for the period mentioned therein and it also specifies that the amount shall be remitted along with the additional tax as applicable. As payment was not made, revenue recovery proceedings have been initiated for realising Rs.18,678/- as per Ext.P5. Challenging this, this writ petition has been filed.

2. Petitioner does not dispute that he is the registered owner. But the only dispute is that there has been a transfer of the vehicle and therefore he is seeking to avoid the liability. In any way, this is an objection which he has raised before the 5th respondent by Ext.P3 and therefore it is upto that respondent to consider this

contention.

3. Accordingly I dispose of the writ petition directing that the 5th respondent shall consider and pass orders on Ext.P3 with notice to the petitioner, as expeditiously as possible, at any rate, within six weeks of production of a copy of this judgment. In the meantime petitioner shall pay the amount as demanded in Ext.P4. However, such payment will be subject to the decision of the 5th respondent on Ext.P3. The amount shall be paid within two weeks from today.

ANTONY DOMINIC, JUDGE

mt/-